

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
May 1, 2013**

President Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Jim Schroeder took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Brad Schnarr, Vice Chairman	-Absent	Bob Cook	-Present
Josh Gunselman, Secretary	-Absent	Darla Blazey, Director of Community Development / Planning	-Present
		Renee Kabrick, City Attorney	-Present

Mayor Terry Seitz appointed Jim Schroeder to serve on the Board for the meeting.

PLEDGE OF ALLEGIANCE

President Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the April 3, 2013 Regular Meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Bob Cook seconded it. Motion carried 4-0.

STATEMENT

President Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

NEW BUSINESS

Petition of Randy Norris, MD for a variance to allow an accessory building on a residential lot without a primary residence and a variance from Section 16.02.140 (Height Regulations)

Brad Norris appeared before the Board on behalf of Dr. Randy Norris to request a variance to allow Dr. Norris to construct a 2,880 square-foot accessory building on a residential lot without a primary residence. The property is located at 1001 W. Sixth Street, the former Rich Schneider property, which Dr. Norris purchased several years ago.

Dr. Norris has been utilizing part of the property for his hobby of gardening and is requesting the variance to place the proposed accessory building near the 1-acre garden for storage of his gardening tools, lawn tractors and other personal items and equipment. A site plan showed the building to be placed 65 feet from the north property line and 90 feet from the east. Mr. Norris displayed a sketch of the building, showing 2,400 square feet for storage and including a 480 square-foot covered porch. A variance is also being requested to construct the building with a height of 23 feet six inches.

Mr. Norris presented several photos that were taken before and after the tree foliage grew, showing the proposed location in all directions to every adjacent property owner that would have a view of the building. In conclusion, Mr. Norris said the request is unique in that the building would barely be seen by a few neighbors and only for a short time out of the year due to the thick tree line.

There was discussion in regards to future plans for the remaining acreage. Mr. Norris said he is not certain what Dr. Norris has planned; however, he has no intentions of building a house on the property.

There were no remonstrators present. Bob Cook made a motion to close the public hearing. Randy Mehringer seconded it. Motion carried 4-0.

Bob Cook made a motion to grant a variance to allow an accessory building on a residential lot without a primary residence, with the stipulation that there be no further additions to the building except what is noted in the diagram presented (2,400 square feet for storage and including a 480 square-foot covered porch). Jim Schroeder seconded it. Motion carried 4-0.

Jim Schroeder made a motion to grant a variance from Section 16.02.140 (Height Regulations) for the accessory building not to exceed 23 feet six inches. Bob Cook seconded it. Motion carried 4-0.

Petition of Brett A. and Julie R. Winger for a variance from Section 16.02.140 (Height Regulations)

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Brett and Julie Winger to request a height variance of 16 feet eight inches on a 24ft. x 32 ft. detached garage they are constructing on their property located at 1152 N. Evergreen Lane. Plans are to remove an existing storage building and construct the garage on the northeast side of the property.

Upon President Uebelhor asking for comments or concerns from the audience, Alison Monte, neighbor to the south of the Wingers, appeared before the Board with a complaint that the Wingers are operating a business out of the existing building. Ms. Monte told the Board she fears the building is being replaced with a larger one due to an expansion of the business. Ms. Monte is opposed to the variance, stating that the Wingers did not request permission from the City to operate a business at their residence.

Dan Buck, also a neighbor, appeared before the Board to express that Ms. Monte was referencing the wrong building. He said the building she described belongs to the resident south of the Wingers. Ms. Monte was shown the correct location of the Winger property and apologized for presenting wrong information.

Following discussion, Randy Mehringer made a motion to close the public hearing. Bob cook seconded it. Motion carried 4-0.

Randy Mehringer made a motion to grant a variance from Section 16.02.140 (Height Regulations), for height of the detached garage not to exceed 17 feet. Jim Schroeder seconded it. Motion carried 4-0.

Petition of John J. Schwenk for a special exception to allow a medical clinic in a B-3 (Business) zone

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of John Schwenk requesting a special exception to build a medical clinic in a B-3 zone. Mr. Schwenk was also present. The proposed property is located east of the existing clinic at the intersection of U.S. Highway 231 and State Road 56. There is R-3 (Residential) zoning to the north and west of the property and B-3 (Business) zoning to the east and south. Mr. Schwenk intends to build the new clinic in a manner similar to his current one, which blends in with the neighborhood, giving it a residential-looking appearance.

Discussion followed. With no remonstrators present, Bob Cook made a motion to close the public hearing. Motion carried 4-0.

Jim Schroeder made a motion to grant a special exception to allow a medical clinic in a B-3 (Business) zone. Bob Cook seconded it. Motion carried 4-0.

Petition of John J. Schwenk for a variance from Section 16.02.120 (Lot and Yard Requirements)

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of John Schwenk requesting a variance to build a new dental clinic within five feet of the side yard on adjacent property located east of his existing clinic at the intersection of U.S. Highway 231 and State Road 56. The City's ordinance requires a 15-foot side yard setback. Mr. Eckerle displayed a layout of the clinic. Mr. Schwenk intends to build the new clinic in a manner similar to his current one, which blends in with the neighborhood, giving it a residential-looking appearance. Plans are to utilize the east side of the property for angled parking, with additional parking in front of the building.

Discussion followed. With no remonstrators present, Bob Cook made a motion to close the public hearing. Randy Mehringer seconded it. Motion carried 4-0.

Bob Cook made a motion to grant a variance to build a medical clinic within five feet of the side yard. Randy Mehringer seconded it. Motion carried 4-0.

Update on Zoning/Subdivision Control Ordinance

Darla Blazey, Director of Community Development/Planning, gave an update regarding the revisions for the Zoning Ordinance and Subdivision Control Ordinance and shared with the Board that Request for Qualifications are ready to be sent to prospective firms by the end of the week, with a request to return all qualifications and proposals by May 24, 2013.

ADJOURNMENT

With no further discussion, Bob Cook made a motion to adjourn the meeting, seconded by Jim Schroeder. Motion carried 4-0, and the meeting was adjourned at 7:41 p.m.

Jerry Uebelhor, Chairman

Josh Gunselman, Secretary

Kathy M. Pfister, Recording Secretary